

RECEIVED  
CENTRAL FAX CENTER

MAR 27 2006

IN THE UNITED STATES PATENT OFFICE

Patent Application Serial No.: 09/990,326

Our Ref: PT-1475000

**CUSTOMER NO. 23607**

Applicants: Anthony Derose

Agent: Neil H. Hughes, P. Eng.  
c/o Ivor M. Hughes  
Barrister & Solicitor  
Patent & Trade Mark Agents  
Suite 200,  
175 Commerce Valley Dr. W.  
Thornhill, Ontario,  
L3T 7P6, CANADA

Title:

Inventor: Anthony Derose

Examiner: Joanne Silbermann

Group Art Unit: 3611

Due Date: April 10, 2006

No. of Pages including this sheet: 29

**DELIVERED TO FACSIMILE NO. (571) 273-8300**

March 27, 2006

Commissioner of Patents  
U.S. Patent and Trademark Office  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Attention: Ms. Viola R. Smith  
Legal Instruments Examiner

Dear Ms. Smith:

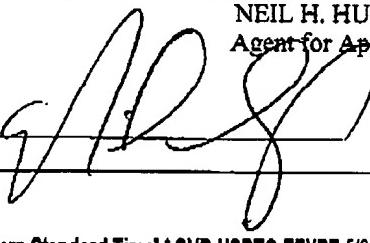
**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper:

- 1) Letter to Commissioner of Patents dated March 27, 2006
- 2) Copy of Notice of Non-Compliant Amendment dated March 10, 2006
- 3) Copy of Response to outstanding Final Office Action dated September 8, 2005

is being facsimile transmitted to the United States Patent Office Facsimile  
No. (571) 273-8300 on the date shown below.

NEIL H. HUGHES  
Agent for Applicant

Signature: 

Date: March 27, 2006



**Ivor M. Hughes**

Barrister & Solicitor

Patent & Trade Mark Agents  
Canada, United States

**RECEIVED  
CENTRAL FAX CENTER**

**MAR 27 2006**

**Barristers & Solicitors**  
Ivor M. Hughes  
Rick Tizi

**Patent Agents**  
Neil H. Hughes, P.Eng.  
Marcelo K. Sarkis, P.Eng.  
Wm. Kit Sinden  
Samuel T. Tekie, P.Eng.  
Francis Ng-Cheng-Him

Our Ref: PT-1475000

March 27, 2006

**VIA FACSIMILE: (571-273-8300)**

The Commissioner of Patents  
United States Patent & Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**Attention: Ms. Viola R. Smith**  
**Legal Instruments Examiner**

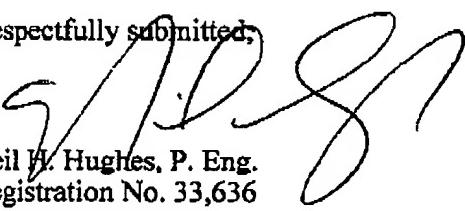
Dear Ms. Smith:

**Re: United States Application No. 09/990,326**  
**of Anthony Derose**  
**for IMPROVEMENTS IN DISPLAY SIGNS, DECORATIVE LIGHTING, AND**  
**ORNAMENTS FOR HOLIDAY SEASONS**

Pursuant to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated March 10, 2006 a copy of which is enclosed for your reference, Applicant has enclosed all the documents filed in response to the outstanding final action including a listing of all claims with respect to the claims that have been withdrawn regarding Applicant's response to Final Official Action dated September 8, 2005 which was due for filing on March 8 2006.

We thank the Commissioner for his cooperation regarding this matter.

Respectfully submitted,

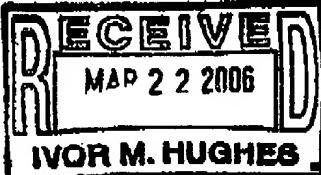
  
Neil H. Hughes, P. Eng.  
Registration No. 33,636  
Agent for Applicant

NHH/lvp  
Encl. Notice of Non-Compliant Amendment  
Amended Applicant's Response to Final Office Action



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,326	11/23/2001	Anthony Derose	PT-1475000	2546
23607	7590	03/10/2006	EXAMINER	
IVOR M. HUGHES, BARRISTER & SOLICITOR, PATENT & TRADEMARK AGENTS 175 COMMERCE VALLEY DRIVE WEST SUITE 200 THORNHILL, ON L3T 7P6 CANADA			ART UNIT	PAPER NUMBER
 <small>DATB MAILED: 03/10/2006</small>				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No. <i>09/938376</i>	Applicant(s)
Examiner <i>Art Unit</i>	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

The amendment document filed on 3/6/06 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_
- 4. Amendments to the claims:
  - A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Cancelled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: \_\_\_\_\_
- 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opia/preonotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

*Ivor R. Smith*

Legal Instruments Examiner (LIE)

*571-0726620*

Telephone No.

MAR-27-06 13:54 From: IVOR M. HUGHES BARR&amp;SOL.

RECEIVED  
CENTRAL FAX CENTER

T-245 P.05 Job-620

MAR 27 2006

PTO/SB/21 (08-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

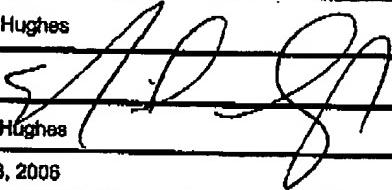
26

Application Number	09/880,328
Filing Date	November 23, 2001
First Named Inventor	Anthony Derose
Art Unit	3811
Examiner Name	Joanne Silbermann
Attorney Docket Number	PT-1475000

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Request For Continued Examination Transmittal
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Ivor M. Hughes		
Signature			
Printed name	Neil H. Hughes		
Date	March 3, 2006	Reg. No.	33,638

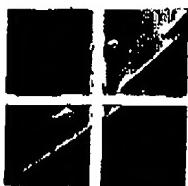
## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**Ivor M. Hughes**

Barrister & Solicitor

Patent & Trade Mark Agents  
Canada, United States

Our Ref.: PT-1475000

**Barristers & Solicitors**  
Ivor M. Hughes  
Rick Tuzi

**Patent Agents**  
Neil H. Hughes, P.Eng.  
Marcelo K. Sarkis, P.Eng.  
Wm. Kitt Sindén  
Samuel T. Tekie, P.Eng.  
Francis Ng-Cheng-Hin

March 3, 2006

**VIA COURIER**

The Commissioner of Patents  
UNITED STATES PATENT OFFICE  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Dear Sir:

**Re: United States Patent Application Serial No. 09/990,326  
of Anthony Derose  
for IMPROVEMENTS IN DISPLAY SIGNS, DECORATIVE LIGHTING, AND  
ORNAMENTS FOR HOLIDAY SEASONS**  
Extended Due Date: March 8, 2006

Please find enclosed herewith the following:

1. Preliminary Amendment With RCE Application In Response to Official Final Action dated September 8, 2005;
2. Request for Continued Examination (RCE) Transmittal of United States Application Serial No. 09/990,326 under 37 C.F.R. §1.114;
3. Request for a three month extension of time making this response due **March 8, 2006**;
4. Check in the sum of **\$1385.00 U.S. funds**.

Please find enclosed our cheque in the amount of \$1385.00 US funds. This sum includes \$510.00 for the three-month extension of time fee, Request for Continued Examination in the amount of \$395.00, \$200.00 for 8 claims above the 20 allowed, \$180.00 for multiple dependent claims and \$100.00 for 1 independent claim above and beyond the three allowed per application for a small entity. If there is any deficiency, the Commissioner is authorized to take the deficit from Applicant's Agent's Deposit Account No. 08-3255 and advise Applicants' Agent.

Also enclosed herewith is a stamped, self-addressed verification card which we request that you kindly acknowledge and return to this office at the earliest opportunity.



Page 2

We thank the Patent Office for its cooperation in this regard and look forward to receiving further correspondence in this matter.

Respectfully submitted,

Neil H. Hughes, P.Eng  
Agent for Applicant  
Registration No. 33,636

NHH/lvp  
Encls.

PTO/SB/17 (01-08) Approv. for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Fees pursuant to the Consolidated Appropriations Act, 2008 (H.R. 4818).

# FEE TRANSMITTAL For FY 2006

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

480.00

## Complete If Known

Application Number	09/980,326
Filing Date	November 23, 2001
First Named Inventor	Anthony Derose
Examiner Name	Joanne Silbermann
Art Unit	3611
Attorney Docket No.	PT-1475000

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 08-3255 Deposit Account Name: Ivor M. Hughes

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION (All the fees below are due upon filing or may be subject to a eurocharge.)

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

## 2. EXCESS CLAIM FEES

## Fee Description

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
28	- 20 or HP = 8	x 25	= 200			
	HP = highest number of total claims paid for, if greater than 20.					

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
4	- 3 or HP = 1	x 100	= 100

HP = highest number of independent claims paid for, if greater than 3.

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

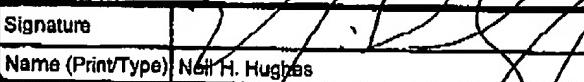
## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fee Paid (\$)

Other (e.g., late filing surcharge):

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 33,636	Telephone 905-771-6414
Name (Print/Type)	Neil H. Hughes		Date March 3, 2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.